

## § 141.802

## 40 CFR Ch. I (7–1–11 Edition)

and plumbing fixtures within the aircraft that supply water for human consumption to passengers or crew.

*Aircraft water system operations and maintenance plan* means the schedules and procedures for operating, monitoring, and maintaining an aircraft water system that is included in an aircraft operation and maintenance program accepted by the Federal Aviation Administration. (14 CFR part 43, 14 CFR part 91, 14 CFR part 121)

*Finished water* means water that is introduced into the distribution system of a public water system and is intended for distribution and consumption without further treatment, except as treatment necessary to maintain water quality in the distribution system (e.g., supplemental disinfection, addition of corrosion control chemicals). (40 CFR 141.2)

*Human consumption* means drinking, bathing, showering, hand washing, teeth brushing, food preparation, dishwashing, and maintaining oral hygiene.

*Self inspection* means an onsite review of the aircraft water system, including the water service panel, the filler neck of the aircraft finished water storage tank; all finished water storage tanks, piping, treatment equipment, and plumbing fixtures; and a review of the aircraft operations, maintenance, monitoring, and recordkeeping for the purpose of evaluating the adequacy of such water system components and practices for providing safe drinking water to passengers and crew.

*Watering point* means the water supply, methods, and facilities used for the delivery of finished water to the aircraft. These facilities may include water trucks, carts, cabinets, and hoses.

### § 141.802 Coliform sampling plan.

(a) Each air carrier under this subpart must develop a coliform sampling plan covering each aircraft water system owned or operated by the air carrier that identifies the following:

(1) Coliform sample collection procedures that are consistent with the requirements of § 141.803(a) and (b).

(2) Sample tap location(s) representative of the aircraft water system as specified in § 141.803(b)(2) and (b)(4).

(3) Frequency and number of routine coliform samples to be collected as specified in § 141.803(b)(3).

(4) Frequency of routine disinfection and flushing as specified in the operations and maintenance plan under § 141.804.

(5) Procedures for communicating sample results promptly so that any required actions, including repeat and follow-up sampling, corrective action, and notification of passengers and crew, will be conducted in a timely manner.

(b) Each air carrier must develop a coliform sampling plan for each aircraft with a water system meeting the definition of a public water system by April 19, 2011.

(c) The coliform sampling plan must be included in the Aircraft Water System Operations and Maintenance Plan required in § 141.804. Any subsequent changes to the coliform sampling plan must also be included in the Aircraft Water System Operations and Maintenance Plan required in § 141.804.

### § 141.803 Coliform sampling.

(a) *Analytical methodology.* Air carriers must follow the sampling and analysis requirements under this section.

(1) The standard sample volume required for total coliform analysis, regardless of analytical method used, is 100 mL.

(2) Air carriers need determine only the presence or absence of total coliforms and/or *E. coli*; a determination of density of these organisms is not required.

(3) Air carriers must conduct analyses for total coliform and *E. coli* in accordance with the analytical methods approved in § 141.21(f)(3) and 141.21(f)(6).

(4) The time from sample collection to initiation of analysis may not exceed 30 hours. Systems are encouraged but not required to hold samples below 10 °C during transit.

(5) The invalidation of a total coliform sample result can be made only by the Administrator in accordance with § 141.21(c)(1)(i), (ii), or (iii) or by the certified laboratory in accordance with § 141.21(c)(2).

(6) *Certified laboratories.* For the purpose of determining compliance with

## Environmental Protection Agency

## § 141.803

this subpart, samples may be considered only if they have been analyzed by a laboratory certified by a State or EPA. For the purposes of this paragraph, "State" refers to a State or Tribe that has received primacy for public water systems (other than aircraft water systems) under section 1413 of SDWA.

(b) *Routine monitoring.* For each aircraft water system, the sampling frequency must be determined by the disinfection and flushing frequency recommended by the aircraft water system manufacturer, when available, and as identified in the operations and maintenance plan in § 141.804.

(1) Except as provided in paragraph (b)(2) of this section, the air carrier must collect two 100 mL total coliform routine samples at the frequency specified in the sampling plan in § 141.802 and in accordance with paragraph (b)(3) of this section;

(2) The air carrier may collect one 100 mL total coliform routine sample at

the frequency specified in the sampling plan in § 141.802 for aircraft with a removable or portable tank that is drained every day of passenger service, and the aircraft has only one tap. Aircraft meeting the requirements of this paragraph do not have to comply with paragraph (b)(4) of this section.

(3) Air carriers must perform routine monitoring for total coliform at a frequency corresponding to the frequency of routine disinfection and flushing as specified in the Table b-1 (Routine Disinfection and Flushing and Routine Sample Frequencies). Air carriers must follow the disinfection and flushing frequency recommended by the aircraft water system manufacturer, when available. Where the aircraft water system manufacturer does not specify a recommended routine disinfection and flushing frequency, the air carrier must choose a frequency from Table b-1 (Routine Disinfection and Flushing and Routine Sample Frequencies):

TABLE B-1—ROUTINE DISINFECTION AND FLUSHING AND ROUTINE SAMPLE FREQUENCIES

Minimum routine disinfection & flushing per aircraft	Minimum frequency of routine samples per aircraft
At least 4 times per year = At least once within every three-month period (quarterly).	At least 1 time per year = At least once within every twelve-month period (annually).
At least 3 times per year = At least once within every four-month period.	At least 2 times per year = At least once within every six-month period (semi-annually).
At least 2 times per year = At least once within every six-month period (semi-annually).	At least 4 times per year = At least once within every three-month period (quarterly).
At least 1 time per year or less = At least once within every twelve-month period (annually) or less.	At least 12 times per year = At least once every month (monthly).

(4) One sample must be taken from a lavatory and one from a galley; each sample must be analyzed for total coliform. If only one water tap is located in the aircraft water system due to aircraft model type and construction, then a single tap may be used to collect two separate 100 mL samples.

(5) If any routine, repeat, or follow-up coliform sample is total coliform-positive, the air carrier must analyze that total coliform-positive culture medium to determine if *E. coli* is present.

(6) Routine total coliform samples must not be collected within 72 hours after completing routine disinfection and flushing procedures.

(c) *Routine coliform sample results—(1) Negative routine coliform sample results.*

If all routine sample results are total coliform-negative, then the air carrier must maintain the routine monitoring frequency for total coliform as specified in the sampling plan in § 141.802.

(2) *Positive routine E. coli sample results.* If any routine sample is *E. coli*-positive, the air carrier must perform all of the following:

(i) *Restrict public access.* Restrict public access to the aircraft water system in accordance with paragraph (d) of this section as expeditiously as possible, but in no case later than 24 hours after the laboratory notifies the air carrier of the *E. coli*-positive result or discovery of the applicable failure as specified in paragraphs (g) and (h) of

this section. All public access restrictions, including applicable public notification requirements, must remain in-place until the aircraft water system has been disinfected and flushed and a complete set of follow-up samples is total coliform-negative; and

(ii) *Disinfect and flush.* Conduct disinfection and flushing in accordance with §141.804(b)(2). If the aircraft water system cannot be physically disconnected or shut-off, or the flow of water otherwise prevented through the tap(s), then the air carrier must disinfect and flush the system no later than 72 hours after the laboratory notifies the air carrier of the *E. coli*-positive result or discovery of the applicable failure as specified in paragraphs (g) and (h) of this section; and

(iii) *Follow-up sampling.* Collect follow-up samples in accordance with paragraph (e) of this section. A complete set of follow-up sample results must be total coliform-negative before the air carrier provides water for human consumption from the aircraft water system and returns to the routine monitoring frequency as specified in the sampling plan required by §141.802.

(3) *Positive routine total coliform sample results.* If any routine sample is total coliform-positive and *E. coli*-negative, then the air carrier must perform at least one of the following three corrective actions and continue through with that action until a complete set of follow-up or repeat samples is total coliform-negative:

(i) *Disinfect and flush.* In accordance with §141.804(b)(2), conduct disinfection and flushing of the system no later than 72 hours after the laboratory notifies the air carrier of the total coliform-positive and *E. coli*-negative result. After disinfection and flushing is completed, the air carrier must collect follow-up samples in accordance with paragraph (e) of this section prior to providing water for human consumption from the aircraft water system. A complete set of follow-up sample results must be total coliform-negative before the air carrier returns to the routine monitoring frequency as specified in the sampling plan required by §141.802; or

(ii) *Restrict public access.* In accordance with paragraph (d) of this section, restrict public access to the aircraft water system as expeditiously as possible, but in no case later than 72 hours after the laboratory notifies the air carrier of the total coliform-positive and *E. coli*-negative result or discovery of the applicable failure as specified in paragraphs (f), (g), and, (i) of this section. All public access restrictions, including applicable public notification requirements, must remain in-place until the aircraft water system has been disinfected and flushed, and a complete set of follow-up samples has been collected. The air carrier must conduct disinfection and flushing in accordance with §141.804(b)(2). After disinfection and flushing is completed, the air carrier must collect follow-up samples in accordance with paragraph (e) of this section prior to providing water for human consumption from the aircraft water system. A complete set of follow-up sample results must be total coliform-negative before the air carrier returns to the routine monitoring frequency as specified in the sampling plan required by §141.802; or

(iii) *Repeat sampling.* Collect three 100 mL repeat samples no later than 24 hours after the laboratory notifies the air carrier of the routine total coliform-positive and *E. coli*-negative result. Repeat samples must be collected and analyzed from three taps within the aircraft as follows: The tap which resulted in the total coliform-positive sample, one other lavatory tap, and one other galley tap. If fewer than three taps exist, then a total of three 100 mL samples must be collected and analyzed from the available taps within the aircraft water system.

(A) If all repeat samples are total coliform-negative, then the air carrier must maintain the routine monitoring frequency for total coliform as specified in the sampling plan in §141.802.

(B) If any repeat sample is *E. coli*-positive, the air carrier must perform all the corrective actions as specified in paragraphs (c)(2)(i), (c)(2)(ii), and (c)(2)(iii) of this section.

(C) If any repeat sample is total coliform-positive and *E. coli*-negative, then the air carrier must perform the corrective actions specified in paragraphs

(c)(3)(i) or (c)(3)(ii) of this section, and continue through with that action until a complete set of follow-up samples is total coliform-negative.

(d) *Restriction of public access.* Restriction of public access to the aircraft water system includes, but need not be limited to, the following:

(1) Physically disconnecting or shutting off the aircraft water system, where feasible, or otherwise preventing the flow of water through the tap(s);

(2) Providing public notification to passengers and crew in accordance with § 141.805.

(3) Providing alternatives to water from the aircraft water system, such as bottled water for drinking and coffee or tea preparation; antiseptic hand gels or wipes in accordance with 21 CFR part 333—“Topical Anti-microbial Drug Products for Over-the-Counter Human Use” in the galleys and lavatories; and other feasible measures that reduce or eliminate the need to use the aircraft water system during the limited period before public use of the aircraft water system is unrestricted.

(e) *Post disinfection and flushing follow-up sampling.* Following corrective action disinfection and flushing, air carriers must comply with post disinfection and flushing follow-up sampling procedures that, at a minimum, consist of the following:

(1) For each aircraft water system, the air carrier must collect a complete set of total coliform follow-up samples consisting of two 100 mL total coliform samples at the same routine sample locations as identified in paragraphs (b)(2) and (b)(4) of this section.

(2) Follow-up samples must be collected prior to providing water to the public for human consumption from the aircraft water system.

(3) If a complete set of follow-up samples is total coliform-negative, the air carrier must return to the routine monitoring frequency for total coliform as specified in the sampling plan required by § 141.802.

(4) If any follow-up sample is *E. coli*-positive, the air carrier must perform all the corrective actions as specified in paragraphs (c)(2)(i), (c)(2)(ii), and (c)(2)(iii) of this section.

(5) If any follow-up sample is total coliform-positive and *E. coli*-negative

the air carrier must restrict public access to the aircraft water system in accordance with paragraph (d) of this section as expeditiously as possible, but in no case later than 72 hours after the laboratory notifies the air carrier of the total coliform-positive and *E. coli*-negative result. All public access restrictions, including applicable public notification requirements, must remain in-place until the aircraft water system has been disinfected and flushed in accordance with § 141.804(b)(2) and a complete set of follow-up samples is total coliform-negative. The air carrier must collect follow-up samples in accordance with paragraph (e) of this section. A complete set of follow-up sample results must be total coliform-negative before the air carrier provides water for human consumption from the aircraft water system and returns to the routine monitoring frequency for coliform as specified in § 141.802.

(f) *Failure to perform required routine disinfection and flushing or failure to collect required routine samples.* If the air carrier fails to perform routine disinfection and flushing or fails to collect and analyze the required number of routine coliform samples, the air carrier must perform all the corrective actions as specified in paragraph (c)(3)(ii) of this section.

(g) *Failure to collect repeat or follow-up samples.* If the air carrier fails to collect and analyze the required follow-up samples as a result of an *E. coli*-positive result, then the air carrier must perform all the corrective actions as specified in paragraphs (c)(2)(i), (c)(2)(ii), and (c)(2)(iii) of this section. If the air carrier fails to collect and analyze the required repeat samples or follow-up samples as a result of a total coliform-positive and *E. coli*-negative result, then the air carrier must perform all the corrective actions as specified in paragraph (c)(3)(ii) of this section.

(h) *Failure to board water from a safe watering point (E. coli-positive).* For the aircraft water system, the air carrier must perform all the corrective actions specified in paragraphs (c)(2)(i), (c)(2)(ii), and (c)(2)(iii) of this section when it becomes aware of an *E. coli*-positive event resulting from:

## § 141.804

## 40 CFR Ch. I (7–1–11 Edition)

(1) Boarding water from a watering point not in accordance with FDA regulations (21 CFR part 1240 subpart E), or

(2) Boarding water that does not meet NPDWRs applicable to transient non-community water systems (§§ 141.62 and 141.63, as applied to TNCWS),

(3) Boarding water that is otherwise determined to be unsafe due to non-compliance with the procedures specified in § 141.804(b)(6).

(i) *Failure to board water from a safe watering point (non-*E. coli*-positive).* For the aircraft water system, the air carrier must perform all the corrective actions specified in paragraphs (c)(3)(ii) of this section when it becomes aware of a non-*E. coli*-positive event resulting from:

(1) Boarding water from a watering point not in accordance with FDA regulations (21 CFR part 1240, subpart E),

(2) Boarding water that does not meet NPDWRs applicable to transient non-community water systems (§§ 141.62 and 141.63, as applied to TNCWS), or

(3) Boarding water that is otherwise determined to be unsafe due to non-compliance with the procedures specified in § 141.804(b)(6).

### § 141.804 Aircraft water system operations and maintenance plan.

(a) Each air carrier must develop and implement an aircraft water system operations and maintenance plan for each aircraft water system that it owns or operates. This plan must be included in a Federal Aviation Administration (FAA)-accepted air carrier operations and maintenance program (14 CFR part 43, 14 CFR part 91, 14 CFR part 121).

(b) Each aircraft water system operations and maintenance plan must include the following:

(1) *Watering point selection requirement.* All watering points must be selected in accordance with Food and Drug Administration (FDA) regulations (21 CFR part 1240, subpart E).

(2) *Procedures for disinfection and flushing.* The plan must include the following requirements for procedures for disinfection and flushing of aircraft water system.

(i) The air carrier must conduct disinfection and flushing of the aircraft

water system in accordance with, or is consistent with, the water system manufacturer's recommendations. The air carrier may conduct disinfection and flushing more frequently, but not less frequently, than the manufacturer recommends.

(ii) The operations and maintenance plan must identify the disinfection frequency, type of disinfecting agent, disinfectant concentration to be used, and the disinfectant contact time, and flushing volume or flushing time.

(iii) In cases where a recommended routine disinfection and flushing frequency is not specified by the aircraft water system manufacturer, the air carrier must choose a disinfection and flushing, and corresponding monitoring frequency specified in § 141.803(b)(3).

(3) *Follow-up sampling.* The plan must include the procedures for follow-up sampling in accordance with § 141.803(e).

(4) *Training requirements.* Training for all personnel involved with the aircraft water system operation and maintenance provisions of this regulation must include, but is not limited to the following:

(i) Boarding water procedures;

(ii) Sample collection procedures;

(iii) Disinfection and flushing procedures;

(iv) Public health and safety reasons for the requirements of this subpart.

(5) *Procedures for conducting self-inspections of the aircraft water system.* Procedures must include, but are not limited to, inspection of storage tank, distribution system, supplemental treatment, fixtures, valves, and back-flow prevention devices.

(6) *Procedures for boarding water.* The plan must include the following requirements and procedures for boarding water:

(i) Within the United States, the air carrier must board water from watering points in accordance with Food and Drug Administration (FDA) regulations (21 CFR part 1240, subpart E).

(ii) A description of how the water will be transferred from the watering point to the aircraft in a manner that ensures it will not become contaminated during the transfer.

(iii) A description of how the carrier will ensure that water boarded outside